



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

MEMORANDUM OEC 13-01

TO: Local Educational Agency Superintendents
Special Education Directors and Coordinators

FROM: Cathy Boshamer, Director, Office of Exceptional Children
John Payne, Team Lead – General Supervision, Office of Exceptional Children
Barbara Drayton, Deputy General Counsel, Office of General Counsel

DATE: February 7, 2013

RE: Individuals with Disabilities Education Act (IDEA) Requirement for the Provision of a Free Appropriate Public Education (FAPE) in Local Detention Centers

This memorandum serves to review the requirements of the Individuals with Disabilities Education Act, 2004 (IDEA) relative to children with disabilities detained or incarcerated in local detention centers, county jails, or other similar facilities. It is the responsibility of the school district where a local detention center is located to provide students with disabilities a free appropriate public education (FAPE) and ensure compliance with applicable state and Federal regulations.

All local educational agencies (LEAs) are required to ensure their Child Find procedures comply with the requirements as outlined at 34 C.F.R. § 300.111. In addition, LEAs must have written policies and procedures that articulate how the LEA in which the local detention center is located provides special education and related services, including transition services, to an age-eligible child with a disability under the IDEA who has been detained or incarcerated.

The Office of Exceptional Children (OEC) will include this requirement when exercising its general supervision authority of monitoring LEAs to ensure compliance with the IDEA, as outlined at 34 C.F.R. §§ 300.149, and 300.600 through 300.604. During onsite monitoring, the OEC will verify that your LEA has policies, procedures, and practices in place to carry out this requirement. We strongly encourage you to work with appropriate county officials and personnel to ensure that this responsibility is met. If you have any questions, or if you would like to request technical assistance relative to this requirement, please contact your LEA's project manager within the OEC.